HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 14526 of 2007

Dated 6th July 2007

Between:

V.Bhavani Prasad

…Petitioner

and

The Deputy Executive Engineer,
R&B Department, Jaggayyapet & others

…Respondents

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O R D E R:

The petitioner claims to be the owner of Plot Nos.61 and 62 of Layout No.38 of Torraguntapalem of Jaggayyapet Mandal, Krishna District. A house is said to have been constructed thereon, with the permission of the Grampanchayat. The grievance of the petitioner is that the respondents are trying to lay pacca road, in the area, and for that purpose, part of the land belonging to the petitioner is marked, without initiating any proceedings for acquisition.

Heard the learned counsel for the petitioner and learned Government Pleader for Roads and Buildings.

The question, as to whether the petitioner constructed the house in his patta land, or whether any portion of the road margin is encroached by the petitioner, cannot be decided by this court. If the work in progress is confined to strengthening of existing road and

removal of any encroachments from the road margin, the petitioner cannot have any objection. On the other hand, if any land belonging to the petitioner, abutting the road margin, is needed, it must be acquired, in accordance with the provisions of law, or the consent of the petitioner must be obtained.

Hence, the writ petition is disposed of, directing that the respondents shall not utilize any patta land belonging to the petitioner, for the purpose of widening, or laying road. On the other hand, if any encroachments existed over the road margin, it shall be open to the respondents, to remove the same, duly giving a reasonable opportunity to the encroachers, to remove the belongings. There shall be no order as to costs.

Dt. 06.7.2007 **L.NARASIMHA REDDY, J**

Issue C.C. by tomorrow.
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